IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 27428 of 2007(M)

PETITIONER:

RINCY.S.DAS, W/O.ALEXIS, 19/565,
NEW COLONY, MANKAVU, PALAKKAD.

BY ADV. SRI.P.DEEPAK.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY ITS SECRETARY, DEPARTMENT OF HEALTH AND FAMILY WELFARE, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE DIRECTOR OF HEALTH SERVICES, THIRUVANANTHAPURAM.**
3. **THE KERALA PUBLIC SERVICE COMMISSION, REPRESENTED BY ITS SECRETARY, PATTAM, THIRUVANANTHAPURAM.**
4. **THE DISTRICT OFFICER, KERALA PUBLIC SERVICE COMMISSION, PALAKKAD.**

BY ADV. SRI.ALEXANDER THOMAS,SC,KPSC,
GOVT. PLEADER SRI. BEJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO.27428 of 2007

Dated this the 10th day of October, 2007

JUDGMENT

Petitioner claims that she belongs to the Christian Nadar community. She applied for appointment to the post of Staff Nurse Grade II in the Health Department in Palakkad District pursuant to the notification published by the Public Service Commission on 25.4.2006. According to her, since she was successful in the written test, she was included in the short list published by the Public Service Commission in the supplementary list of OBC candidates. Reference is made by her to the fact that only on 19.4.2005 Christian Nadar community was included in the category of SIUC for reservation under the OBC quota and therefore the petitioner was under the impression that she belongs to SIUC category coming under the OBC quota. In Ext.P2 application submitted by her, before the PSC against column-5, what has been noted is Christian SIUC (OBC). Admittedly, in the application submitted by the petitioner, she did not indicate that she was a Nadar Christian. It seems that a request was made in this regard essentially for amendment of the application vide Ext.P3 dated 23.3.2007. Reliance was placed on Ext.P4 Community Certificate, in which it is stated that the petitioner belongs to Christian – Nadar - SIUC. According to the petitioner, she was interviewed but she was not included in the rank list published on 18.6.2007. She asked for the reason for non-inclusion in the list and vide Ext.P7 she was told by the PSC that in the application submitted by her she had indicated her caste and

religion as Christian – SIUC – OBC. On that basis, she was included in the supplementary list for OBC's published on 26.2.2007. But at the time of short listing, when she was asked to produce certificates in substantiation of her claim that she should be considered as Christian/SICU/OBC, she had produced Non Creamy Layer Certificate, which is Ext.P4 as indicated above and she had actually requested for being included in the said category. In fact she was permitted to participate in the interview conditionally.

2. Essentially, the petitioner has not been able to prove that she comes under the SIUC-OBC. The problem that seems to have confronted the petitioner is that the details given by her in the application turned out to be wrong. PSC cannot be faulted with for excluding the petitioner from the list on the ground that she was not able to produce Non-Creamy Layer Certificate in consonance with the details given by her in the application.

For all these reasons, I find no grounds to interfere in the writ petition. The same is dismissed.

V. GIRI, JUDGE

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